

merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to connect the protected individual with that individual's service in the armed forces.

“(b) **AUTHORITY TO ENJOIN VIOLATIONS.**—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

“(c) **PROTECTED INDIVIDUAL.**—For purposes of this section, a protected individual is any person who—

“(1) is a member of the armed forces; or

“(2) was a member of the armed forces at any time after April 5, 1917, and, if not living, has a surviving spouse, child, parent, grandparent, or sibling.

“(d) **DESIGNATED INDIVIDUAL OR INDIVIDUALS.**—(1) The individual or individuals designated under this subsection, with respect to a protected individual—

“(A) is the protected individual, if living; and

“(B) otherwise is the living survivor or survivors of the protected individual highest on the following list:

“(i) The surviving spouse.

“(ii) The children.

“(iii) The parents.

“(iv) The grandparents.

“(v) The siblings.

“(2) In the case of a protected individual for whom more than one individual is designated under clause (ii), (iii), (iv), or (v) of paragraph (1)(B), the prohibition under subsection (a) shall apply unless permission is obtained from each designated individual.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“988. Unauthorized use of names and images of members of the armed forces.”.

AMENDMENT NO. 45 OFFERED BY MR. LIPINSKI

The text of the amendment is as follows:

At the end of subtitle E of title XXVIII, add the following new section:

**SEC. 28. USE OF ENERGY EFFICIENT LIGHTING FIXTURES AND BULBS IN DEPARTMENT OF DEFENSE FACILITIES.**

(a) **CONSTRUCTION AND ALTERATION OF BUILDINGS.**—Each building constructed or significantly altered by the Secretary of Defense or the Secretary of a military department shall be equipped, to the maximum extent feasible as determined by the Secretary concerned, with lighting fixtures and bulbs that are energy efficient.

(b) **MAINTENANCE OF BUILDINGS.**—Each lighting fixture or bulb that is replaced in the normal course of maintenance of buildings under the jurisdiction of the Secretary of Defense or the Secretary of a military department shall be replaced, to the maximum extent feasible as determined by the Secretary concerned, with a lighting fixture or bulb that is energy efficient.

(c) **CONSIDERATIONS.**—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Secretary of Defense or the Secretary of a military department shall consider—

(1) the life cycle cost effectiveness of the fixture or bulb;

(2) the compatibility of the fixture or bulb with existing equipment;

(3) whether use of the fixture or bulb could result in interference with productivity;

(4) the aesthetics relating to use of the fixture or bulb; and

(5) such other factors as the Secretary concerned determines appropriate.

(d) **ENERGY STAR.**—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a); or

(2) the Secretary of Defense or the Secretary of a military department has otherwise determined that the fixture or bulb is energy efficient.

(e) **SIGNIFICANT ALTERATIONS.**—A building shall be treated as being significantly altered for purposes of subsection (a) if the alteration is subject to congressional authorization under section 2802 of title 10, United States Code.

(f) **WAIVER AUTHORITY.**—The Secretary of Defense may waive the requirements of this section if the Secretary determines that such a waiver is necessary to protect the national security interests of the United States.

(g) **EFFECTIVE DATE.**—The requirements of subsections (a) and (b) shall take effect one year after the date of the enactment of this Act.

AMENDMENT NO. 46 OFFERED BY MR. ALTMIRE

The text of the amendment is as follows:

At the end of subtitle G of title VI insert the following:

**SEC. 674. LEAVE FOR MILITARY FAMILIES.**

(a) **ENTITLEMENT TO LEAVE.**—Section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) is amended by adding at the end the following new subparagraph:

“(E) Because of any qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.”.

(b) **INTERMITTENT OR REDUCED LEAVE SCHEDULE.**—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following new sentence: “Subject to subsection (e)(3) and section 103(f), leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.”.

(c) **SUBSTITUTION OF PAID LEAVE.**—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by striking “or (C)” and inserting “(C), or (E)”.

(d) **NOTICE.**—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following new paragraph:

“(3) **NOTICE FOR LEAVE DUE TO ACTIVE DUTY OF FAMILY MEMBER.**—In any case in which the necessity for leave under subsection (a)(1)(E) is foreseeable based on notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.”.

(e) **CERTIFICATION.**—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following new subsection:

“(f) **CERTIFICATION FOR LEAVE DUE TO ACTIVE DUTY OF FAMILY MEMBER.**—An employer may require that a request for leave under section 102(a)(1)(E) be supported by a certification issued at such time and in such man-

ner as the Secretary may by regulation prescribe. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification to the employer.”.

(f) **DEFINITION.**—Section 101 of such Act (29 U.S.C. 2611) is amended by adding at the end the following new paragraph:

“(14) **CONTINGENCY OPERATION.**—The term ‘contingency operation’ has the same meaning given such term in section 101(a)(13) of title 10, United States Code.”.

In the table of contents in section 2(b), after the item relating to section 673 insert the following new item:

Sec. 674. Leave for military families.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON), a member of the Armed Services Committee.

Mr. JOHNSON of Georgia. Mr. Chairman, I would like to begin by thanking Chairman SKELTON and Ranking Member HUNTER for constructing such an impressive bill. We in Congress have no greater duty than that of taking care of our soldiers, marines, sailors and airmen when they are serving both abroad and at home.

Our wounded heroes face a system which, while it provided extraordinary service to many, has undergone serious challenges in the proper treatment of some who have given us so much. This amendment would provide necessary facility improvements at both the National Naval Medical Center, Bethesda, and DeWitt Army Medical Center to support commercial medical standards.

Furthermore, this would provide the necessary consolidation of medical activities to ensure high standards of care, or to ensure that high standards of care are available to our wounded soldiers.

It would also renovate existing semi-private bedrooms to create additional single-occupant rooms, which ensure greater privacy, improved infection control, and space for families to room in.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Thank you very much, Mr. HUNTER, for yielding.

Mr. Chairman, one of the provisions that is contained in this en bloc amendment is a provision that will help provide a higher level of security for our military personnel in the continental United States. As most of you probably read in the newspaper, a terrorist cell was apprehended in Cherry Hill, New Jersey, a short time ago.

They had been planning a small arms attack on soldiers, Reservists, actually, who were preparing to be deployed to Iraq and Afghanistan at Fort Dix.

One of the elements of this planning involved a pizza delivery man. The pizza delivery man would access the base to deliver pizza to soldiers in the